

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>SOUTHCHASE NORTH APARTMENTS,</b>	§	
<b>LLC,</b>	§	
<i>Plaintiff</i>	§	
<b>V.</b>	§	<b>CIVIL ACTION NO. <u>4:11-CV-1019</u></b>
	§	
<b>CERTAIN UNDERWRITERS AT</b>	§	
<b>LLOYDS OF LONDON,</b>	§	
<i>Defendants</i>	§	

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, Certain Underwriters at Lloyds of London, Defendant in the matter entitled “Southchase North Apartments, LLC v. Certain Underwriters at Lloyds of London”, now pending in the 125th Judicial District Court of Harris County, Texas, bearing Cause Number 2010-59516, through undersigned counsel, who, pursuant to 28 U.S.C. §1441 and §1446, gives notice of removal of this suit from the 125th Judicial District Court of Harris County, Texas, to the United States District Court in and for the Southern District of Texas, Houston Division, for the reasons set forth below.

1. On or about January 12, 2011, Plaintiff Southchase North Apartments, LLC, (“Plaintiff”), filed a First Amended Original Petition in the 125th Judicial District Court of Harris County, Texas, under Cause Number 2010-59516.

2. The Citation and First Amended Original Petition were served on the Texas Commissioner of Insurance, on February 18, 2011. Accordingly, Defendants Certain Underwriters at Lloyds of London were effectively served on this date.

3. Given the above, this Notice of Removal is being filed within the thirty (30) day time period required by 28 U.S.C. §1446(b).

4. No responsive pleadings have been filed to date.

5. The above-described action appears to be a civil action involving claims by Plaintiff for alleged breach of contract, violations of the Texas Insurance Code and the duty of good faith and fair dealing, to recover for property damage allegedly sustained during Hurricane Ike.

6. This Court has original jurisdiction over this action under the provisions of 28 U.S.C. §1332, in that there is a complete diversity of citizenship among the parties to this action and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs.

7. Plaintiff is a Texas resident that allegedly owns property in Harris County, Texas. At all relevant times, the Defendant was and is a company with its principal place of business outside the State of Texas.

8. Although Plaintiff does not specifically state a dollar amount for damages sought in its petition, the amount in controversy is clearly in excess of the jurisdictional amount due to property damage claimed by Plaintiff and the damages sought in this lawsuit. While Defendant strongly denies Plaintiff is entitled to any damages at all, it is facially apparent that Plaintiff states a claim for damages far in excess of the jurisdictional amount of \$75,000.00, exclusive of interest and costs.

9. Defendant Certain Underwriters at Lloyds of London is the only Defendant to this action, who now being served consents to the removal of this case to federal court by filing of this Notice.

10. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this Notice as required by 28 U.S.C. §1446(a).

11. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district.

12. Defendant will promptly file a copy of this Notice of Removal with the clerk of the state court where the suit has been pending.

13. Plaintiff did demand a jury in the state-court suit.

14. Pursuant to Local Rule 81, the following documents are attached hereto:

- a) The Plaintiff's First Amended Original Petition;
- b) The citation and Affidavit of Service as to Defendant Certain Underwriters at Lloyds of London (to be obtained and supplemented);
- c) Correspondence from the Texas Department of Insurance acknowledging service on February 18, 2011;
- d) The Docket sheet from state court action (to be obtained and supplemented);
- e) An index of matters being filed; and
- f) A list of all counsel of record, including addresses, telephone numbers and parties represented.

WHEREFORE PREMISES CONSIDERED, Defendant Certain Underwriters at Lloyds of London pray that the above-described action now pending in the 125th Judicial District Court of Harris County, Texas be removed to this Honorable Court.

Respectfully submitted,

**PREIS & ROY, P.L.C.**

/S/

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**ATTORNEYS FOR DEFENDANTS CERTAIN  
UNDERWRITERS AT LLOYDS OF LONDON**

**CERTIFICATE OF SERVICE**

In compliance with Rule 5 of the Federal Rules of Civil Procedure, I certify that on this the 17th day of March, 2010, a true and correct copy of the above and foregoing document was served on all known counsel of record by facsimile, certified mail, and/or electronic service:

Mr. J. Brantley Durrett, II  
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/S/

Frank A. Piccolo